

REMARKS

Claims 1, 5-9, 12, 13, and 16-18 are present in this application. Claims 1, 6, 8, and 9 are independent claims. In this Amendment, claim 14 is canceled.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 6, 7, 8, 13, and 16-18 are allowed.

§ 112, second paragraph

Claims 1, 5, 9, 12, and 14 have been rejected under 35 U.S.C. 112, second paragraph.

Applicant submits that the claims are clear. The Examiner appears to indicate that the claim only recites a height of a flat surface. However, the complete phrase recited in the claims is “the height of the top of the top surface of the frame above the top surface of the bottom section.” In any case, Applicant has amended the claims to include the term “distance” in place of height, such as “the distance between the top of the top surface of the frame and the top surface of the bottom section.” Applicant requests that the rejection be reconsidered and withdrawn, based on the claims as amended.

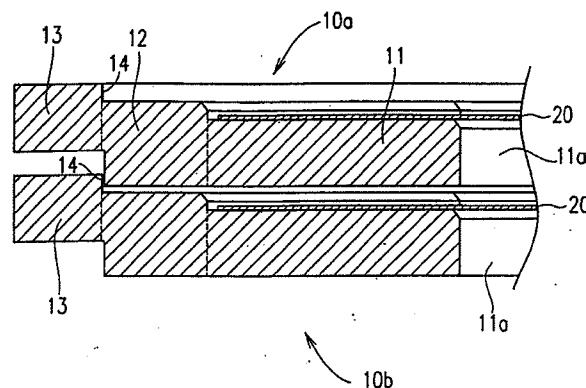
§ 102(e) Rejection – Hammett

Claims 1, 9, and 14 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,749,065 (Hammett). Claim 14 has been canceled. Claims 1 and 9 have been amended. Applicant traverses this rejection based on the claims as amended.

As shown in Fig. 4 of the present application, reference number 11 shows a bottom section, reference number 12 shows a frame, reference number 13 shows an engaging section,

and reference number 14 shows a positional portion. These elements are covered by claims 1 and 9.

FIG. 4



The Office Action alleges that side walls 12, 14, and end walls 16, 18 of Hammett teach the claimed frame, the upper band or rail 78 of Hammett teaches the claimed flange-like engaging section, and buttresses 100 of Hammett teach the claimed positional portion.

Hammett is directed to low depth, plastic cases for carrying bottles. The cases can be nested when empty to conserve space during shipping and storage (“Background”). Hammett discloses that “when empty cases are stacked, the lower, outer edge of the upper peripheral rail of one case rests on the upper edge of the upper peripheral rail of the underlying case” (col. 2, lines 36-39). With reference to Figures 1, 8, and 9, Hammett discloses that “along each handle grip portions 86 and 88, there are a pair of inward facing projections 116 which serve the same purposes as buttresses 100 and 114 and are likewise centered or adjacent bottle support platforms.” The arrangement of Hammett results in the upper peripheral band or rail 78 overhanging the lower panels 72, and establishing peripheral edge 116 by which the case is supported when stacked. In particular, Hammett states that “in other words, the edge 116 of one case rests on the upper edge of an underlying case when stacked empty. The interface along edge 116 provides the only nesting support for adjacent empty cases.” (col. 6, lines 23-43).

To the contrary, as shown in Fig. 4 of the present application, the positioning step 14 acts to determine the positional relationship between the display substrate accommodating tray 10a and another display substrate accommodating tray 10b which is to be stacked thereon. Specifically, the bottom edge of the frame 12 of an upper display substrate accommodating tray 10a is engaged with the positioning step 14 of a lower display substrate accommodating tray 10b, such that the display substrate accommodating trays 10a and 10b stacked vertically do not slip in a horizontal direction with respect to each other (specification at page 15, lines 15-24).

Buttresses 100, which the Examiner refers to as corresponding to the claimed positional portion, only serves to guide the bottles as they are inserted into the case, and to provide tangential support for bottles seated on the platforms along the side and end walls of the case (col. 5, line 59 to col. 6, line 17).

Claims 1 and 9 have been amended in order to explicitly recite the structure implied by the claimed positioning portion, for example as shown in Figs. 3 and 4, as

“a positioning portion provided along a periphery of the frame, the positioning portion for determining the positional relationship between a surface of the walls of said frame of the display substrate accommodating tray and another display substrate accommodating tray which is to be stacked thereon,

wherein the positioning portion includes a planar top surface of said frame that is parallel to a top surface of the bottom section having the mounted display substrate, and includes a side surface of the engaging section facing an opposing side surface of the engaging section and connected to said planar surface of said frame, wherein the side surface of the engaging section projects to a level higher than the level of the top surface of the frame with respect to the surface of the bottom section.”

Applicant submits that the only portion in Hammett that provides a positional relationship between the two cases, namely the peripheral edge 116, does not provide the structure as recited in claims 1 and 9, as amended.

For at least these reasons, Applicant submits that the claimed structure of the present invention is not taught or suggested in Hammett. Claims Applicant requests that the rejection be reconsidered and withdrawn based on the claims as amended.

§ 103(a) Rejection – Ackermann, Nakajima

Claims 5 and 12 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Hammett in view of JP 236953 (Nakajima). Applicant respectfully traverses this rejection.

Applicant submits that Nakajima fails to make up for the deficiencies in Hammett. At least for the reasons above for claims 1 and 9, Applicant submits that the rejection fails to establish *prima facie* obviousness for claims 5 and 12. Applicant requests that the rejection be reconsidered and withdrawn.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert Downs Reg. No. 48,222 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/630,731
Amendment dated December 11, 2008
Reply to Office Action of September 11, 2008

Docket No.: 0717-0513P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: December 11, 2008

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